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65913	7590	08/20/2008	EXAMINER	
NXP, B.V.			LINDSEY, MATTHEWS	
NXP INTELLECTUAL PROPERTY DEPARTMENT			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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**ATTACHMENT TO ADVISORY ACTION**

1. Claims 1-21 have been finally rejected, for the reasons stated below, the rejection is maintained.

***Response to Arguments***

2. Applicant's arguments filed 29 July 2008 have been fully considered but they are not persuasive. Applicant argues: "Benveniste at paragraph 0007:5-9, does not make any mention of unscheduled requests for service" (pg 6, lines 19-22). Examiner respectfully disagrees, Benveniste at [0007] disclosed devices that transmit and receive signals from other devices in a network via an access point. Benveniste goes on to disclose methods for transmitting and receiving signals with power saving devices, one method Benveniste disclosed: "One strategy, which is used in the IEEE 802.11-1999 standard, is for the access point 101 to include periodically in the beacon a Traffic Indication Map (TIM) that identifies which stations in power-save mode have downlink frames waiting for them in access point 101's buffer. When a station wakes up and the TIM indicates that there are frames buffered at access point 101 for the station, the station sends a a Power Save (PS) poll frame to access point 101 to request delivery of a buffered frame, and, after receiving and acknowledging the downlink frame, goes back to the doze state" ([0015], lines 1-11). The station does not wake up to make a scheduled request, when the station wakes up and there is an indication of pending

downlink data the station makes a request. This strategy does not include a scheduled service request, and thus is an unscheduled service request.

Applicant further argues: "Benveniste identifies the system discussed in paragraph 0007 as prior art. Thus the Examiner's reliance on paragraph 0007 (i.e., teachings of another reference) as the basis for a 102 rejection is improper" (pg 6, lines 23-26). Examiner respectfully disagrees. Whether or not the system discussed in [0007] is prior art has no bearing since it is discussed in Benveniste, and furthermore examples of such a system are explained in later paragraphs, for example see [0015].

Applicant also argues: "Applicant respectfully traverses the 103(a) rejection of claims 2, 9 and 21 because the cited portions of the Benveniste reference do not correspond to the claimed invention as discussed above in relation to the 102(e) rejection of claims 1, 8 and 18" (pg 7, lines 11-13). Examiner respectfully disagrees, see arguments above.

All arguments have been addressed; therefore all rejections are hereby maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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MSL  
8/6/2008